



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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**ENFORCEMENT UPDATE - BEEDE WASTE OIL SUPERFUND SITE
OCTOBER 2002**

De Minimis Settlements

EPA issued a first *de minimis* settlement offer to the smallest volume hazardous waste contributor parties at Beede in June of 2001. This settlement was made effective in November of 2001 and included 496 of the approximately 680 parties who received the offer. Currently, EPA, in cooperation with the New Hampshire Department of Environmental Services, is in the process of finalizing a second *de minimis* settlement at Beede.

This second non-negotiable settlement offer to small volume parties closed on August 2, 2002. A Federal Register notice announcing the settlement was published on September 10, 2002, providing a 30 day comment period, which ended on October 10, 2002. Of the 900 parties that received the second *de minimis* settlement offer, 415 chose to participate, raising a total dollar amount of approximately \$4.7 million. No comments were received during the notice and comment period for this settlement, and EPA is in the process of preparing an "effective date letter" which will be mailed, prior to the end of the calendar year, to all 415 participants in the settlement, informing them that the settlement is fully effective, and their involvement with the Beede site is concluded.

Concurrent with issuance of the effective date letter, EPA will instruct the Trustee to transfer the second *de minimis* settlement monies from the second *de minimis* settlement trust to the EPA Beede Superfund Special Account ("Beede Special Account") and to the State of New Hampshire, as agreed pursuant to the terms of the settlement agreement and the trust. Money from the second *de minimis* settlement will be added to the existing approximately \$1.6 million already deposited in the Beede Special Account from the first *de minimis* settlement, and all funds will be held in the account pending final remedy negotiations.

No additional separate *de minimis* settlements are planned for Beede at this time, although EPA expects that the final negotiated settlement agreement for clean up of Beede will include a cash-out settlement opportunity for remaining *de minimis* parties.

Proposed Cleanup Plan

EPA issued the proposed remedial action plan in mid-June. The proposed plan documents the details, rationale and costs of a preferred cleanup alternative for the Beede Site. The preferred alternative includes off-site treatment or disposal of shallow contaminated soil and active on-site treatment of contaminated deep soil and groundwater at a total estimated cost of \$48 million. Issuance of the plan triggered a public review and comment period which closed on August 18. EPA held an informational meeting on the proposed plan on June 26, 2002, and a hearing to accept verbal comments on July 17, 2002.

After consideration of comments received on the proposed plan, EPA will prepare a summary which responds to all significant comments, criticisms and new relevant information received during the public comment period. This document, known as a Responsiveness Summary, will be publicly available when EPA issues its final cleanup plan for the site, known as a Record of Decision. EPA anticipates issuing the Record of Decision in 2003.

Meetings and Future Negotiations with EPA

On July 11, 2002, EPA held a confidential introductory settlement meeting to which all PRPs were invited. The

purpose of this meeting was to encourage PRPs to organize into groups, if they had not done so already, and to form an executive steering committee to negotiate with EPA; and to provide all PRPs with general information about remedy selection, costs, and expected timing of future settlement negotiations for the final remedy. Although final or “global” settlement negotiations typically occur after selection of a final cleanup remedy is announced via a Record of Decision for the site, EPA is willing to consider accelerating the negotiations schedule upon receipt of a written good faith settlement offer by a representative group of interested PRPs.

To date, EPA has received settlement proposals from two groups of PRPs at Beede. EPA has offered to meet with each of these groups to discuss and better understand their proposals, although the proposals submitted do not address all of EPA’s criteria for accelerating negotiations, and EPA expects to do so during the month of November. While these meetings will be confidential settlement discussions, *they will not be settlement negotiations* and do not represent the commencement of any settlement negotiations process for Beede.

Next Steps

EPA will continue efforts necessary to make the second *de minimis* settlement effective prior to the end of the calendar year. EPA will also work on preparing a written response to all significant comments received during the public comment period for the proposed cleanup plan. The responses will be incorporated in the Responsiveness Summary, which will be publicly available at the time that EPA issues the Record of Decision for the site. In addition, EPA will meet with the PRP groups who submitted settlement proposals, as described above.

Additional Information

To learn more about accessing public records concerning the Beede *de minimis* settlements, and the Beede proposed remedy plan, as well as other information about the Beede site, please call the toll-free Beede Hotline at 1-888-294-6980 or visit the Beede web site at www.epa.gov/region01/sudefund/sites/beede.